



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

FINAL DECISION (APPROVAL)

APPROVAL (Consent) DATE: May 7th, 2019

HEARING DATE: April 30th, 2019

APPLICATION RECEIVED: April 1st, 2019

PROJECT NUMBER: CU-2019-103

APPLICANT/OWNER: Harrison Industries LLC.
10355 S. Liberty Road
Salem OR 97306

PROJECT REVIEWER: Joshua Smith
Planning Director

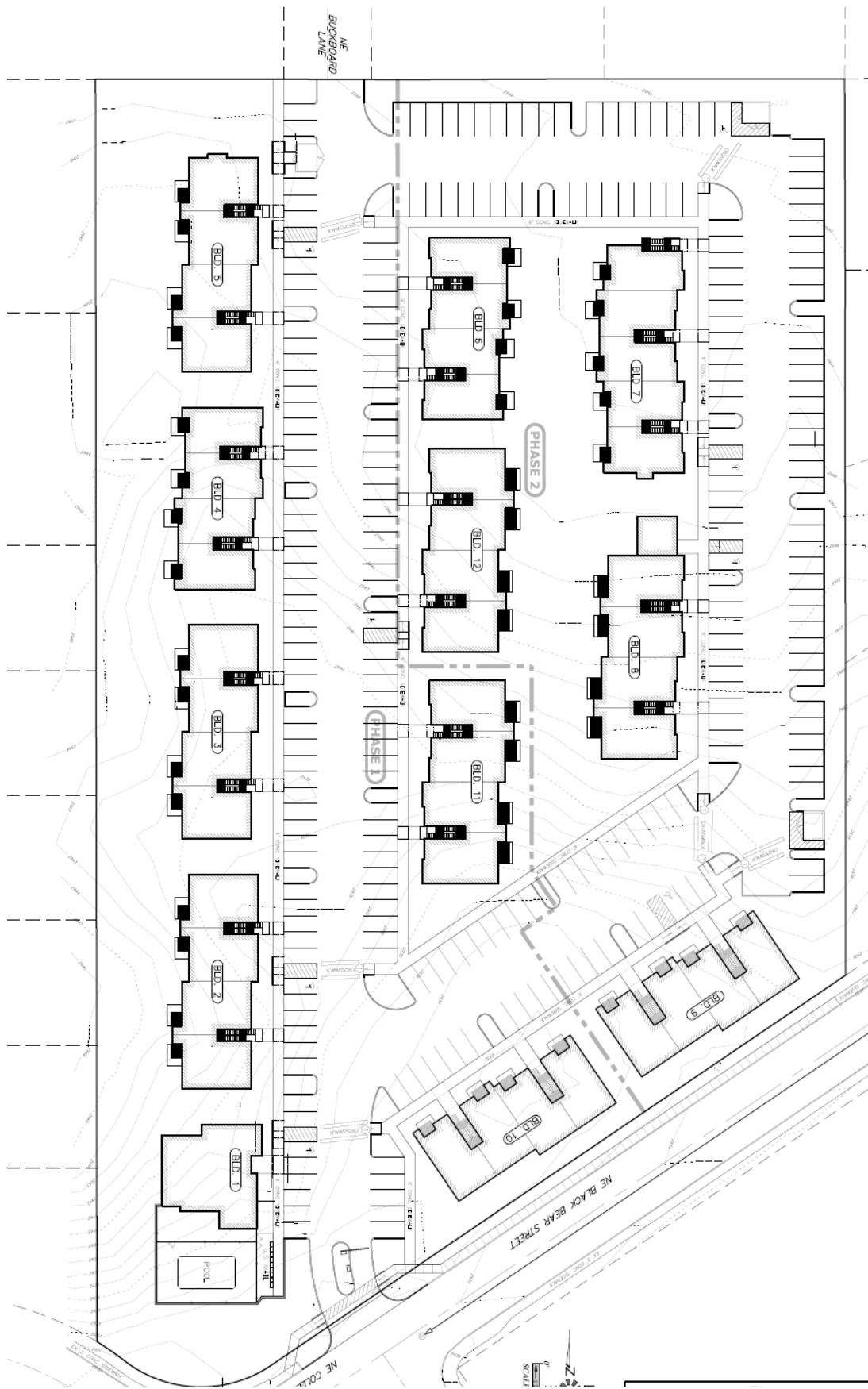
APPLICABLE CRITERIA:

(1) City of Prineville Code of Ordinances, Title XV – 153.009, 153.014, 153.020, 153.035, 153.036, 153.046, 153.081, 153.082, 153.083, 153.085-153.087, 153.135 -153.138, 153.161, 153.190 - 153.200, ORS 197.307(needed housing), 271.080–230(street vacations)

FINDINGS OF FACT:

- 1. LOCATION:** The proposed multifamily complex will be located at the intersection of NE Black Bear Street, Colleen Street and Buckboard Lane. Also described as lots 3 & 4 of the Buckhorn Acres subdivision, Map and Tax lot 14-16-29CC 00102 & 00103.
- 2. ZONING:** The property is zoned General Residential (R2) and designated residential on the Comprehensive Plan map.
- 3. LOT OF RECORD:** The properties are legal lots of record as lots 3 & 4 of the Buckhorn Acres Subdivision.
- 4. Related Documents:** SUB-2012-100 (Buckhorn Acres Sub.), PA-2019-100 (Pre-app)
- 5. PROPOSAL:** The applicant is applying for a Type II Conditional Use permit for the construction of a 135-unit apartment complex. This development will also require a street vacation and either a Boundary Line Adjustment or a lot consolidation, which will be made part of this decision.
- 6. SITE DESCRIPTION:** The property consists of two lots with an unimproved right-of-way for Buckboard Lane running through the middle. This right-of-way is also proposed to be vacated, making the property a total of 6.16 acres. The property is shown below in a 2018 aerial view as well as the basic site plan.





7. **COMMENTS:** A pre-application meeting was held on January 17th, 2019. Notice was sent on April 8th, 2019. Development review meeting was held on April 11th, 2019.

Neighbor – At the time this staff report was written the City has received verbal and written comments. A letter on April 15th was received by the City from the owners of lot 18 in Colleen subdivision. This letter outlines their concerns and suggests some mitigating measures. This letter has been made part of the record.

City – Planning, Public Works, Fire Department and Prineville Disposal provided comments to the applicant prior to and during the Pre-application meeting. The applicant made alterations to their plan based on those comments prior to submitting their application. After application and during the development review meeting comments were limited to the details of their infrastructure plans.

8. **FINDINGS SUMMARY:** The plans submitted by the applicant are the foundation of this application. This property is currently zoned (R2) General Residential. The Complex will be assessed system development charges (SDC) for water, sewer, traffic and parks. The applicant is meeting all setback, lot coverage and height requirements. Staff believes the proposed design as submitted is meeting the intent of the City's design review code. Open space and landscape areas are proposed around the property and along the street to provide an attractive look and feel to the site. The applicant shall complete the sidewalk along Black Bear Street and extend City sewer and water through the development to City standards with recorded easements. The applicant shall connect the buildings to City water and sewer and other utilities. The applicant shall provide fire hydrants and easements internal to the site per Fire Department requirements. All access, maneuvering and parking areas shall be paved in accordance with City standards and all stormwater drainage shall be maintained on site. Clear vision areas shall be maintained at all times and may be enforced at any time. The applicant is meeting the standards for multifamily complexes as well as the minimum landscaping standards of at least 20% and is exceeding the parking standards. A 6 foot sight obscuring fence shall be provided along neighboring property boundaries; however the street frontage along the south side may remain open with landscaping. Staff recommends a higher concentration of trees along the western boundary aligned with the patios to help obscure sight lines to neighboring lots. Staff recommends a gated emergency vehicle access be provided to the north of the development onto Buckboard Lane accessing Barnes Butte Estates; with sidewalk pedestrian access. Staff recommends a bike/ped easement be established for the site that allows pedestrians to pass through on designated drive isles and walkways.

9. HEARING SUMMARY:

Staff: The Planning Director gave a presentation of the proposal including history of the Buckhorn Acres Subdivision, an overview of the project, details of the traffic study, conditions of approval, and how the project fits within the current land use code.

Applicant: Mark Genz provided testimony on behalf of the applicant. Mark provided additional details of the project and an explanation of some of the design features. He stated that he agreed with the conditions of the staff report as written and was willing to flip building 2 so that the balconies faced east instead of west. The Planning Commission asked about management and lighting. Mark discussed the benefits of having one owner and stated that there will be a live-in onsite manager. He also stated that lighting will be night sky compliant but they have not completed a lighting analysis yet.

Public Comment: Six people spoke in opposition to the project and two had general comments about the project.

The six people in opposition had a range of concerns. These concerns included traffic congestion, proximity to garbage enclosures, compatibility, property value, privacy, noise, views, smoking and construction dust. One property owner had submitted written comments with suggested conditions. One of the people with general comments asked about the build out rate of the project. The other asked about the direct connection to a collector street, explained that he thought the Commission could deny the application and discussed a potential need to revise an easement agreement. Staff responded to questions as they were asked and the applicant responded in rebuttal on three different occasions.

Staff & Applicant response summary:

Staff commented on concerns throughout the hearing, summarized as follows:

Traffic: Staff explained that the project does have direct access to a Major Collector Street. Staff believed closing the access to the north would prevent cut through traffic in the neighborhood. Explained that the City uses the P.M. Peak hour traffic counts to justify requiring street improvements.

Garbage enclosures: Staff explained that the placement of the enclosures were aligned with access points in coordination with Prineville Disposal. There are not likely any better places to put the enclosures and ensure the garbage truck has room to maneuver. The City does have nuisance ordinances that could be used if the enclosures are not properly managed.

Property rights: Many of the comments at the hearing had more to do with property rights than land use criteria of the zone. There seemed to be a lot of confusion about what could or should be allowed on the property and what may have been advertised. In response, staff explained that the property is zone R2 and allows a wide range of residential uses. Staff encouraged people to always check with City Planning Staff if you live next to vacant property because you can't assume to know what will be developed. Staff mentioned there were many conceptual ideas of how the property could be developed but it ultimately comes down to the rights of the property owner. Potential issues with noise, smoking, dust and the like all fall under management or City nuisance ordinances and are not grounds to deny an application. The City also does not have specific view shed or solar setbacks.

The applicant stated that he expressed his opinions based on his experience with these projects being well built and well managed and understands that there are different perceptions of multi-family developments. He also acknowledged that poor management can have a negative impact. He stated that he designed the development based on staff comments to have the least intrusion possible while maintaining a certain density. Buildings were moved inside, setbacks were increased and landscaping and fencing are being provided to buffer neighboring properties. In response to the written comments the applicant stated that he would agree to flip building 2 but cannot agree to swap the building with the recreation building & pool due to construction feasibility and would not agree to build a taller fence due to maintenance and wind loads. In response to timing of the project he stated that the first buildings would be ready for occupancy in the spring of 2020 and potentially complete by early 2021.

Planning Commission Deliberations: The commission asked questions throughout the meeting about traffic, management of the complex, lighting, building design and bike racks. A question concerning A.M. peak hour traffic was specifically asked. Staff acknowledged that the A.M. peak traffic could have higher delays but that P.M. Peak is generally higher and is what the City uses to justify the failure of an intersection. After the hearing was closed, a Planning Commissioner essentially asked staff and the other Commissioners if they felt there was any doubt whether the laws and requirements of the City were being followed. Staff clarified that the Commission would have to agree that the project had direct access to a Major collector Street as determined by staff. There were no objections to that finding and no member of the Commission raised objection to the project meeting the City standards. Before a motion was made staff reminded the Commission that a condition would need to be added to flip building 2 as agreed by the applicant.

Decision: Bob Orlando made a motion to approve the application as written adding the condition as discussed to flip building 2. Erika Montgomery seconded the motion and the motion passed with 6 in favor and none opposed.

DECISION

Application **Cu-2019-103** for the construction of a 135 unit Multi-family complex in the R2 zone is hereby **APPROVED**. Such an approval is subject to the submitted plans, findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below.

CONDITIONS OF APPROVAL

The applicant shall comply with the following conditions of approval for application **Cu-2019-103** to allow a 135 unit Multi-family complex in the General Residential (R2) zone:

General Conditions

1. The plans submitted by the applicant and the improvements depicted therein are the foundation of this approval to meet the requirements of the City's standards and specifications and land use code.
2. The applicant shall comply with the Fire Department requirements for fire flows, sprinkler systems, fire hydrants, address signs, fire lanes and Knox Box locks and all other UFC requirements.
3. The applicant shall construct all public improvements in accordance with the City's standards and specification. This includes but is not limited to the completion of the sidewalk along Black Bear Street, the extension of a 12" water and 8" sewer line from Black Bear Street north to Buckboard Lane including required fire hydrants, all to City standards with recorded easements. All buildings shall be connected to City water and sewer.
4. The applicant shall adjust building 2 within the same general footprint so that the balconies face east into the development similar to how buildings 9 & 10 are oriented.
5. The applicant shall adhere to the recommendations of the traffic study unless conditioned otherwise.
6. The applicant shall provide the proposed number of parking spaces and pave parking, access and maneuvering areas consistent with their site plan and to City Standards.
7. The applicant shall provide a gated emergency vehicle access to Fire Department standards to the north of the development onto Buckboard Lane allowing emergency ingress and egress from Barnes Butte Estates Subdivision.

8. The applicant shall provide internal sidewalks that connect to the required public sidewalk along Black Bear Street and a northern connection to Buckboard Lane as shown in the submitted site plan.
9. The applicant shall establish a public pedestrian and bicycle easement for the development that allows pedestrians and bicycles to pass through on designated drive isles and walkways. This easement shall be written specifically for individuals passing through in good faith and is not intended to allow loitering, solicitation or infringe on the owners right to remove or prohibit certain individuals as the law allows on private property.
10. The applicant shall maintain all stormwater drainage on-site. Grading and drainage plans shall be reviewed by the City Engineer to ensure compliance with cut and fill criteria and drainage calculations. The applicant shall use standard engineering practices to stabilize slopes particularly within 10 feet of the property line.
11. The applicant shall place all utilities underground.
12. The applicant shall meet the required landscaping percentage for multifamily complexes (20%). The applicant shall provide a higher concentration of trees along the western boundary aligned with the patios to help obscure sight lines to neighboring lots. Trees along the street frontage may need to be moved to avoid underground utilities. The City does not recommend the use of Quaking aspen or other poplar trees due to suckering issues. The applicant shall adhere to the general concept of the submitted landscape plan; however, the City understands that this landscape plan is conceptual and there may be a desire to adjust the plan as the project is constructed. Major changes to the proposed plan as determined by the Planning Director, shall be submitted in map form or writing for an informal City review and approval to ensure the plan is meeting the City's landscaping and buffering standards.
13. The applicant shall provide the improved recreational space as shown in the submitted site plan and landscape plan. The recreational area may change based on final conditions but shall generally adhere to the submitted concept of providing recreational area adjacent to each unit.
14. The applicant shall construct a 6 foot sight obscuring fence along neighboring property boundaries. The fence shall be either cedar fencing, chain link with slats or equivalent fencing that is attractive and well maintained. The street frontage along the south side of the development may remain open with proposed landscaping.
15. The applicant shall comply with required setbacks and height requirements set forth for the applicable zone and as shown on the submitted site plan.
16. The applicant shall provide connections for clothes washing and drying within each dwelling or provide an onsite laundry facility with one washer and dryer per each 6 units.

17. The applicant shall provide postal service facilities in accordance with the requirements of the U.S. Postal Service.
18. Signs for multifamily dwellings shall not exceed 32 s.f. Signs meeting the City's sign code are considered approved as part of this application. Sign proposals shall be submitted for code compliance and made a part of this application.

Prior to Building Permit

19. The Planning Commission recommends the vacation of the unimproved portion of Buckboard Lane right-of-way dedicated with the Buckhorn Acres subdivision. This approval is contingent upon the City Councils approval and adoption by Ordinance of a vacation of this right-of-way.
20. The applicant shall prepare a final plat in accordance with Oregon State law regarding re-plats or boundary line adjustments to reconfigure the property to meet City standards. The applicant shall submit the final map to the City of Prineville for final approval and signature by the City. All easements shall be recorded on the final map.
21. The applicant shall pay all applicable system development charges and connections fees prior to issuance of a building permit.

On-going Responsibilities

22. All stormwater drainage shall be maintained on-site per the applicant's drainage plan.
23. No storage of materials is allowed in a manner which may cause a nuisance. The applicant shall not store unused vehicles, junk or debris within view of persons on a public street or adjacent properties. All outdoor storage and any equipment on site shall be screened from adjacent public rights-of-way.
24. All exterior lighting shall be shielded and focus light downward onto the site and shall not shine onto adjacent rights-of-way or properties or cause a hazard to vehicles or aircraft. Additional shielding may be required to accomplish this.
25. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances and secure any permits required by the Crook County Building Department or State and Federal agencies.

THIS DECISION BECOMES FINAL AT 5:00 P.M. May 20th TWELVE (12) DAYS FOLLOWING THE MAILING OF THIS DECISION ON May 8th UNLESS APPEALED TO THE CITY COUNCIL BY A PARTY OF INTEREST. A WRITTEN APPEAL MUST BE SUBMITTED TOGETHER WITH THE APPEAL FEE TO THE CITY OF PRINEVILLE PLANNING DEPARTMENT LOCATED AT 387 NE 3RD ST PRINEVILLE, OR 97754

Marty Bailey: _____ Date: _____